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SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 12, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Goedde and Stegner, and Acting Senator Stennett, absent and formally excused by the Chair; and Senators Cameron, McGee, and Schroeder, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Logan Cartwright, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 11, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Cameron, McGee, and Schroeder were recorded present at this order of business.

March 11, 2010

The JUDICIARY AND RULES Committee reports that [S 1407](#) and [S 1408](#) have been correctly printed.

DARRINGTON, Chairman

[S 1407](#) was referred to the Finance Committee.

[S 1408](#) was referred to the State Affairs Committee.

March 11, 2010

The JUDICIARY AND RULES Committee reports that [S 1382](#), as amended, [S 1383](#), as amended, and [S 1311](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1382](#), as amended, [S 1383](#), as amended, and [S 1311](#), as amended, were filed for first reading.

March 11, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1382](#), [S 1383](#), and [S 1311](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 11, 2010

The FINANCE Committee reports out [S 1404](#), [S 1405](#), and [S 1406](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1404](#), [S 1405](#), and [S 1406](#) were filed for second reading.

March 11, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 529](#) and [H 558](#), as amended, with the recommendation that they do pass.

ANDREASON, Chairman

[H 529](#) and [H 558](#), as amended, were filed for second reading.

March 11, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 424](#) and [H 431](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 424](#) and [H 431](#) were filed for second reading.

March 11, 2010

The TRANSPORTATION Committee reports out [H 445](#) with the recommendation that it do pass.

MCGEE, Chairman

[H 445](#) was filed for second reading.

March 11, 2010

The TRANSPORTATION Committee reports out [H 457](#), [H 486](#), [H 540](#), and [H 564](#) with the recommendation that they do pass.

MCGEE, Chairman

[H 457](#), [H 486](#), [H 540](#), and [H 564](#) were filed for second reading.

March 11, 2010

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Emma Lou Atchley to the State Board of Education, term to expire March 1, 2015.

GOEDDE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 11, 2010

Dear Mr. President:

I transmit herewith [H 641](#), [H 642](#), [H 630](#), [H 617](#), [H 534](#), [H 624](#), [H 583](#), as amended, [H 593](#), as amended, [H 596](#), as amended, [H 537](#), as amended, [H 433](#), as amended, [H 602](#), as amended, [H 556](#), as amended, [H 604](#), as amended, and [H 608](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[H 641](#), [H 642](#), [H 630](#), [H 617](#), [H 534](#), [H 624](#), [H 583](#), as amended, [H 593](#), as amended, [H 596](#), as amended, [H 537](#), as amended, [H 433](#), as amended, [H 602](#), as amended, [H 556](#), as amended, [H 604](#), as amended, and [H 608](#), as amended, were filed for first reading.

March 11, 2010

Dear Mr. President:

I return herewith [S 1388](#), [S 1296](#), [S 1338](#), [S 1316](#), [S 1332](#), [S 1282](#), [S 1283](#), [S 1284](#), and [S 1285](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1388](#), [S 1296](#), [S 1338](#), [S 1316](#), [S 1332](#), [S 1282](#), [S 1283](#), [S 1284](#), and [S 1285](#) were referred to the Judiciary and Rules Committee for enrolling.

March 11, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 391](#), as amended, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 391](#), as amended, and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Roy E. Decker was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Kelly, the Gubernatorial appointment of Roy E. Decker as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of Rayelle Anderson retained its place on the calendar for Monday, March 15, 2010.

On request by Senator Schroeder, granted by unanimous consent, [HCR 52](#) was recommitted to the Resources and Environment Committee.

On request by Senator Schroeder, granted by unanimous consent, [HCR 53](#) was recommitted to the Resources and Environment Committee.

The President announced that [HJM 11](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Pearce, seconded by Senator Fulcher, [HJM 11](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that [HCR 54](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Brackett, seconded by Senator Malepeai, [HCR 54](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 41](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Corder, seconded by Senator Malepeai, [HCR 41](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 57](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Bilyeu, seconded by Senator Lodge, [HCR 57](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1382](#), as amended, and [S 1383](#), as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

[S 1311](#), as amended, by Transportation Committee, was read the first time at length and filed for second reading.

[H 641](#) and [H 642](#), by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

[H 630](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 617](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 534](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 624](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 583, as amended, by Business Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 593, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 596, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 537, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 433, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 602, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 556, as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 604, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 608, as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

HJR 4, HJR 5, and HJR 7, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1402, by Finance Committee, was read the second time at length and filed for third reading.

H 557 and H 559, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

H 599, by State Affairs Committee, was read the second time at length and filed for third reading.

H 560, by Resources and Conservation Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 498, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

S 1385, S 1390, and S 1398, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator McGee, granted by unanimous consent, S 1397 was referred to the Fourteenth Order of Business, General Calendar.

S 1336 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Davis, Hammond, Heinrich, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, Siddoway, Smyser, Werk, Winder. Total - 21.

NAYS—Cameron, Darrington, Fulcher, Geddes, Hill, McKague, McKenzie, Mortimer, Pearce, Schroeder. Total - 10.

Absent and excused—Andreason, Goedde, Stegner, Stennett (Stennett). Total - 4.

Total - 35.

Whereupon the President declared S 1336 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12 noon until the hour of 10 a.m., Monday, March 15, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary